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SUBJECT: SPECIAL TRIBUNAL FOR LEBANON MANAGEMENT COMMITTEE
MEETING REPORT

REF: USUN 00044

Classified By: Ambassador Rice for reasons 1.4(b) and 1.4(d)

¶1. (U) Summary. On January 30, the Management Committee of the Special Tribunal for Lebanon (STL) met to discuss the run-up to the STL's March 1 commencement date, including how the opening ceremony should be conducted. Afterwards, France pulled aside the UK, US and Lebanon to discuss future reporting to the Security Council. End summary.

Opening Ceremony

¶2. (SBU) The Registrar presented his plan for the official opening ceremony of the STL, to take place on March 1. Under Secretary General for Legal Affairs Patricia O'Brien, Lebanon's Ambassador to the Netherlands and the Dutch Ambassador to International Organizations in the Netherlands would all give speeches. Invitations would go out to Management Committee representatives in The Hague and all donors to the STL. Invitations would not be sent to other international organizations, such as the International Criminal Court, but one would be sent to the acting Registrar of the International Tribunal for the Former Yugoslavia, given his assistance in setting up the STL. The Prosecutor prefers not to attend (see Reftel). The Registrar asked whether the European Commission and major non-governmental organizations should be invited. There would be no press at the opening to avoid raised expectations and unwelcome questions about the status of the investigation.

¶3. (SBU) France said that all members of the Security Council should be invited. In addition, the Prosecutor should attend. France also said that the event should be open to the press. Lebanon said that there needed to be press at this event. The representative of the Office of Legal Affairs said that the Secretary General's office was reviewing whether it thought the event should be open to the press. Italy said that the European Commission should be invited, given that it was considering contributing to the STL, and that the Prosecutor obviously could not be forced to attend. The Management Committee chair sought any additional comments on the opening ceremony by close of business Tuesday, February 3.

The Four Generals

¶4. (C) The Dutch representative said that it was of the utmost importance that no transfer of the four generals who are currently in Lebanon's custody take place without the consent of the Netherlands and the request of the Tribunal. It would be very unfortunate if the start of the Tribunal were marred by a diplomatic incident between two countries. The Lebanese representative said that Lebanon wished to avoid any negative incidents and that it was working with the Registrar and the Netherlands to find a solution. (Note: After the meeting, the Lebanese representative told Legoff that Commissioner and soon-to-be-Prosecutor Bellemare has

said that he needs more time to conduct his investigation, so the decision on holding or transferring the four generals is in his hands. In a later conversation, the UK, France and Legoff shared their understanding that Bellemare had concluded that there is insufficient evidence to prosecute the generals, is no longer investigating them, and would prefer that Lebanon not send them to the Netherlands. End note.)

Other Administrative Matters

¶5. (U) The Management Committee considered the following other administrative matters:

- The Group of Interested States will meet on February 18 for a briefing by the Registrar and the Management Committee Chair.
- OLA, the Registrar's Liaison and the Controller are working to resolve differences of opinion on release of the remaining funds to the STL.
- There was brief discussion of a draft agreement to allow STL employees to participate in the UN pension fund. The Registrar would sign the agreement on behalf of the STL. There was some question as to whether it could be retroactively applied, and whether the agreement referred to the new UN Appeals Tribunal appropriately.
- The Prosecutor is not happy with last week's Management Committee decision for the STL not to participate in the UN Mobility Accord, as noted in Reftel, and this will likely be discussed at a future Management Committee meeting.

Post-Meeting P-3 Plus Lebanon on Secretary-General Reporting

¶6. (C) After the meeting, France requested Legoff to meet,

together with the UK and Lebanon representatives. France observed that OLA had told the Management Committee that it reads the latest Security Council Resolution on the STL not to require the Secretary General to report to the Security Council after March 1, and that it saw reporting as a function of the President of the STL and the Prosecutor. France generally agrees with OLA's approach, but is inclined to think that the Secretary General should forward the President's and Prosecutor's reports to the Security Council, rather than have them report directly to the Council. France would like the US and the UK to meet during the week of February 2 with Under Secretary Patricia O'Brien to ensure that the Secretary General include his intentions regarding reporting in his final report to the Security Council, due in late February. The UK agrees with France's approach. France and the UK also said that, as a fallback, there might need to be consideration of the Security Council adopting a presidential statement requesting the President and Prosecutor to report to the Security Council.

Rice